

**Minutes
Windsor Town Council Meeting
Town Hall
November 14, 2023**

The Windsor Town Council met in a regular session on November 14, 2023 at 7:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor George Stubbs was present, and he called the meeting to order. He welcomed those who were present. Mayor Stubbs asked for anyone with cell phones to please silence them. Terry Whitehead, Town Clerk, recorded the minutes. William G. Saunders, IV, Town Manager, Cheryl McClanahan, Treasurer, and Fred Taylor, Town Attorney, were present.

Council members present:

- J. Randy Carr, Vice Mayor
- David T. Adams
- Walter Bernacki
- Edward (Gibbie) Dowdy
- Jake Redd
- Marlin Sharp

Councilman Sharp delivered the invocation, and Councilman Dowdy led the Pledge of Allegiance.

Councilman Bernacki respectfully requested that this evening's meeting be held and conducted in memory of former Councilwoman, Kelly Blankenship.

Mayor Stubbs explained that Ms. Blankenship was found unresponsive Saturday, November 9, 2023 in her home. He asked that everyone keep her family in their thoughts and prayers.

Council agreed by consensus to hold and conduct tonight's meeting in memory of Ms. Blankenship.

Public Hearings
None

Delegations and Public Comments

Rachell Myhr said she is formally from 24324 Lovers Lane and just recently moved to 23408 Courthouse Highway. She said she wanted to speak and express to the Council how distressed she is to hear about the monstrosity of planning for the large transportation shipping warehouse by Lovers Lane and Keaton Avenue. She explained that she and her family moved to Windsor from Virginia Beach in 2019 to get away from the city. She added that she loves walking through the field and through the woods on that property with her children and visiting the pond where they have enjoyed fishing at times.

Ms. Myhr stated that this property is part of our hometown feel. She explained that we should have attractions in Windsor that encourage people to want to stop and visit instead of more traffic just speeding through the Town. She said this warehouse will completely take away everything that is good about Windsor. Ms. Myhr noted several

incidences where she was nearly rear ended by big trucks when turning onto Lovers Lane.

Ms. Myhr said for as much as Council has an influence with the Isle of Wight County Planning Commission and the Board of Supervisors, she would like to very respectfully ask that Council make it known that the Town of Windsor and its residents are very much against this development.

Consent Agenda

Mayor Stubbs said the Consent Agenda consists of the minutes of the October 10, 2023 Town Council Meeting, the minutes of the November 2, 2023 Town Council Work Session, the Planning and Zoning report, and the Police Chief's report. He asked if there were any questions or comments regarding the Consent Agenda.

Councilman Adams asked for an update regarding the new mitigation requirements for solar farms, as discussed at the Hampton Roads Planning District Commission (HRPDC) meeting attended by Mr. Randolph.

Mr. Saunders said he believes there may be revisions to the impervious definitions for solar farms. He said he will reach out to Mr. Randolph for more information.

Mr. Saunders confirmed that the Planning Commission is currently working on updating the Town's Comprehensive Plan, which is a 20-year plan, as questioned by Councilman Bernacki.

Councilman Adams made a motion to adopt the Consent Agenda as presented. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Treasurer's Report

Ms. McClanahan reviewed the October 2023 Treasurer's report and gave an update on collections. She reported that 24% of the 2023 Personal Property taxes have been collected as of October 31, 2023.

Ms. McClanahan explained that ARPA money will be transferred to the Police Car line item under General Fund Capital Projects to cover the fitting of two police vehicles, as question by Councilman Adams. She noted that this was approved by Council last fiscal year.

Councilman Bernacki made a motion to approve the Treasurer's report as presented. Councilman Sharp seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Council Comments

Councilman Bernacki said he was approached by a couple of citizens who noticed that several sidewalk sections have been marked with paint between Johnson Avenue and the six-way intersection at Route 460. He said they would like to know if those sidewalks are marked for repair or replacement, and if so, is there an approximate timeline based on contractor availability.

Mr. Saunders reported that the sidewalks have been marked for repair or replacement, but he does not have a timeline at this time.

Councilman Sharp stated that he would like to make a proposal for Town Council to oppose the proposed Tidewater Logistics Center Project.

Mayor Stubbs said before Council is the proposal letter, drafted by Councilman Sharp, opposing the proposed Tidewater Logistics Center Project.

Councilman Adams said he read the email copy of the proposal letter earlier. He added that he shares Mrs. Myhr's opinion, and he also doesn't see a positive side to this project. Councilman Adams thanked Councilman Sharp for drafting the proposal letter to Isle of Wight County, and he stated that it effectively sums up his opinion regarding the Tidewater Logistics Center as well.

Councilman Carr thanked Councilman Sharp for taking the time to draft the proposal letter. He said the letter has a lot of good points regarding traffic and noise issues, and how the proposed logistics center may affect citizens and the Town in general.

Councilman Carr expressed his concern with the last paragraph which states that the Town Council opposes the Tidewater Logistics Center. He said he can understand individuals from Council going before the Isle of Wight County Planning Commission and the Board of Supervisors representing themselves and their families, but he does not wish to be included in a statement including him as opposing the proposed logistics center. He explained that it is too early in the process for him to make that decision. He added that he would like to receive more information from Isle of Wight County and the applicant before he makes any decisions regarding the logistics center.

Councilman Carr suggested that it would be in the best interest of the Town and the citizens to work with the County and the applicant towards ensuring that issues, such as traffic, noise, and an appropriate berm are addressed for the proposed logistics center.

Councilman Carr added that when the Cost Plus World Market Distribution Center was built on the east side of Town, adequate berms were installed where the homes nearby are minimally affected by the sight of the warehouse and by the noise. He noted that most truck traffic leaves the warehouse and heads east bound with little impact to the Town.

Councilman Dowdy commented that he attended the meeting held on November 7th where citizens met to discuss the Tidewater Logistics Center with the applicant. He said the applicant seemed to be trying to work through the issues that were being discussed.

Councilman Dowdy said he does not like what is currently proposed, and the applicant can do a lot better specifically with the proposed 5' barrier. He said he knows residents who live near the Cost Plus World Market Distribution Center, and they are minimally affected by the warehouse due to the 30' berm on the back side of the warehouse.

Councilman Dowdy said there are a lot of questions that need to be answered. He said he would like to give Isle of Wight County and the applicant an opportunity to address these issues before he completely opposes the proposed logistics center.

Mayor Stubbs stated that the applicant gave a presentation at the November 7th meeting, and showed what the Tidewater Logistics Center could possibly look like. Mayor Stubbs reported that the proposed project is at the beginning stages, and public hearings have not yet been held at the County level, as questioned by Councilman Redd.

Mayor Stubbs said he can understand this project being disruptive to the residents within the Town. He said concerns regarding noise, lights, traffic, location of retention pond, and a proposed 5' berm were all noted by the applicant.

Mayor Stubbs said he has not received any feedback at this time.

Councilman Adams asked Councilman Carr if he would be in support of the proposal letter to Isle of Wight County if the language in the last paragraph were revised to state that Council has concerns on behalf on the constituents.

Councilman Carr said he would not be in support of the proposal letter with revisions to the language until he receives more information regarding the proposed warehouse project.

Councilman Adams asked how Council handled previous applications such as the Juvenile Detention facility.

Councilman Bernacki provided information about Council's decision regarding the Juvenile Detention Facility in 2020.

Councilman Adams made a motion to issue the statement, drafted by Councilman Sharp, to Isle of Wight County opposing the Tidewater Logistics Center on behalf of Town Council. The motion did not receive a second; therefore, the motion failed.

Councilman Sharp stated that he is not trying to oppose County projects, but he is hearing from the citizens that they believe this project is a "done deal." He said citizens are not hearing that this project is in the "beginning stages." Councilman Sharp added that citizens think this is a project, that they are opposed to, that is being thrust upon our community.

Councilman Sharp stated that he can't imagine that all the large trucks that would leave the proposed logistics center would be going east. He said some are going to come through the Town creating traffic issues.

After further discussion, Councilman Carr suggested that once we receive more information regarding this project, lets schedule a meeting with the County, voice our concerns, and work together to help our citizens satisfy their needs regarding this proposed warehouse project.

Councilman Sharp expressed his concerns with the Town being informed in enough time to be able to make a statement on behalf of the citizens.

Mayor Stubbs stated that public hearings will be held with the Planning Commission and with the Board of Supervisors regarding this project, and they will be advertised. He said

there is no guarantee that he or the Town Manager will be notified when this is on the agenda for a vote.

Mayor Stubbs suggested that citizens visit the County's website regularly and monitor agenda items relating to the Tidewater Logistics Center to stay informed.

Councilman Bernacki asked if the County meeting dates could be posted on the Town's website.

Mr. Saunders stated that all County meetings are on the County's website.

Councilman Adams stated that this project is going to affect every resident in the Town. He referred to the fatality at Lovers Lane several months ago in reference to the already congested traffic within the Town. He said he feels that this project has not been well thought out, and it has serious flaws. He said he hopes we will have the opportunity to speak with the County to figure out a smarter way to proceed with this project. Councilman Adams said he can not support this project as it is now.

Councilman Sharp tabled this issue with the understanding that Town Council will not be blindsided by the County regarding the proposed Tidewater Logistics Center. He explained that we represent the citizens; therefore, we should be speaking on their behalf.

Town Manager's Report

Capital Projects Update

Duke Street & Virginia Avenue Water Main Replacement

Mr. Saunders reported that the contractors completed the water main installation, except for minor elements that will be required when charging the line. He said they are currently cleaning up the lay down yard and working on grading the areas that were disturbed before starting to reconnect individual services.

Councilman Adams asked if the cold winter weather may affect the timeline of the project.

Mr. Saunders said unless we have a week of a hard freeze, he doesn't anticipate any issues with the timeline of the project.

Calendar of Events

Mr. Saunders said the November 2023 and December 2023 calendars are enclosed to include Town of Windsor and Isle of Wight County public meetings, as well as other pertinent information.

Recognition Dinner

Mr. Saunders reminded Council of the Appreciation Dinner for former Council members scheduled for Wednesday, November 15, 2023 to be held at the Town Center at 6:00 pm.

Town Attorney’s Report

None

Mayor’s Report

None

Economic Development Authority (EDA)

Councilman Redd reported that closing for the sale of the EDA property located on the west side of Town is anticipated to take place by the end of November.

Other Reports

Councilman Adams reported that the Planning Commission has canceled their remaining meetings for the calendar year of 2023. The next meeting is scheduled for January 24, 2024.

Old or Unfinished Business

Windsor Town Center Gymnasium Windsor Replacement

Mr. Saunders reported that replacement of the gymnasium windows has been discussed as the next capital project for the Town Center and as an ARPA project.

Mr. Saunders stated that the MOU with Isle of Wight County on the use of the Windsor Town Center included the County sharing the cost of capital improvements or repairs to the facility; with the County agreeing with the project and having timely notice to budget for it. He said while communicating with the Board of Supervisors following the roof replacement at a work session in May 2022, the County was advised that replacement of the gymnasium windows would be the next capital project at the Center.

Mr. Saunders said, in late 2022, prior to the development of FY23-24 budgets, three bids were sought for the replacement of the windows. He explained that these proposals were to provide an estimated cost for the purpose of determining the appropriate method of procurement, as well as to give notice to the County for their budgeting purposes. Mr. Saunders added that the County Administrator was advised of the costs of these proposals on December 19, 2022.

Mr. Saunders said the proposals sought were for: Demolition and disposal of 10 existing jalousie windows and the replacement of 10 windows – 5 ft. H x 10 ft. W rough opening, to replace existing jalousie windows. With a preference of fixed, double pane windows with metal trim. Frame to carry six panes, or frame to give the look of six panes, like new windows on the first floor of the center.

Mr. Saunders said the bids came in as follows:

- AeroSeal Windows and Storefront No proposal provided.
- Binswanger Glass \$48,554
- Burgess-Snyder \$57,470
- Atlantic Glass & Mirror \$63,757
- Goodman Glass TBD

Mr. Saunders noted that a late item was sent to Council with a bid of \$40,214 from Goodman Glass Company.

Mr. Saunders said the proposals (Excluding Goodman Glass) went before the Windsor Town Center Advisory Board (WTCAB) at their October 3, 2023, meeting. He said there was a question regarding the language in the proposal of the lowest bid, Binswanger Glass, and a question regarding procurement. He reported that the consensus was to consult with the Town Attorney regarding the procurement question; however, the Board took no issue with moving forward with the lowest bid if these questions were answered satisfactorily. Subsequently, it has been determined that the language in question was boilerplate that conflicted with the proposed actions, which has been removed from an updated proposal and the procurement question has been resolved with the Town Attorney.

Mr. Saunders reported that since the WTCAB meeting, another bid has been sought from Goodman Glass Company, which was received since the writing of this staff report. He said Goodman Glass is now the lowest bid at \$40,214.

Mr. Saunders recommended using ARPA money to fund this project, with Isle of Wight County reimbursing the Town for their equal share at the end of the project.

Councilman Bernacki asked Mr. Saunders to brief Council on the question regarding procurement.

Mr. Saunders explained that there is a limit in the Town's Purchasing Policy that requires a formal Request for Proposal (RFP) for bids over \$50,000. He said all the bids except one were over \$50,000 at the time. He said with this other bid coming in under \$40,000, and with the appropriate number of quotes for this project, we found that we are within the guidelines of the Town's Purchasing Policy.

Councilman Bernacki noted that several of the proposals show exclusions for wood trim, metal breaking, and other materials and labor that could potentially be associated with the project. He asked if, hypothetically, these exclusions are needed, and it increases the job amount over \$50,000, are we then in a position where we should have submitted a formal RFP.

Mr. Saunders said he discussed this same question today with a representative from Goodman Glass. He said the current jalousie windows do have wood trim, but that's not a requirement; it would only be for aesthetics. He said the windows that are in the Town Center, that these would match, have a metal frame that is caulked in. He said the wood trim would not be entertained; therefore, there would not be an additional cost. Mr. Saunders also added that there should be no metal breaking required on this job.

Councilman Adams made a motion to move forward with the window replacement, at the Windsor Town Center, using Goodman Glass Company at the proposal amount of \$40,214. Councilman Redd seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

New Business

Procurement Consulting Agreement

Mr. Saunders said that large project procurement solicitations in the Town of Windsor are typically created and administered by the consulting firms that design those projects. He explained that there are smaller solicitations on the horizon for the Town where assistance in creating solicitation documents, and a set of terms and conditions for the Town, by a procurement professional would be advantageous.

Mr. Saunders said the enclosed agreement is for professional assistance with procurement documents and solicitations that will be administered in-house. He said that Mrs. Simpson has recently retired as a procurement professional and is willing and able to assist the Town with these tasks.

Mrs. Simpson's experience and credentials:

I have 21 years of experience in local government, which includes oversight and management of the procurement division, preparation, and negotiation of complex procurements, as well as developing, revising, implementing, and providing instructional training of procurement policies and procedures.

I recently retired from the City of Newport News having served as their Procurement Administrator for 5 years; where I was responsible for the effective supervision of the Senior Buyers and assigned Assistant Buyers to include conducting reviews of procurement and staff work to ensure compliance with City Code, laws, regulations, and procedures. Previously, I worked for the Town of Smithfield for 17 years, serving as the Contracts/Procurement Administrator for approximately 13 years.

I have extensive knowledge of governmental procurement principles, procurement law, and contract law. I am a Certified Professional Public Buyer (CPPB), Virginia Contracting Master (VCM) and a Virginia Contracting Officer (VCO) and have completed the FEMA Procurement Disaster Training.

Mr. Saunders said he worked with Mrs. Simpson at the Town of Smithfield, and her capabilities and ethics are second to none. He said he wouldn't hesitate to use her to assist us with procurement solicitations.

Councilman Carr asked Mr. Saunders to brief Council on the purpose and benefit of hiring Mrs. Simpson.

Mr. Saunders explained that when we use a different engineer for a project such as the Duke Street & Virginia Avenue Water Main Replacement Project, they draw the plans, put the bid documents together, and administered the RFP's using their set of Terms and Conditions. Mr. Saunders stated that he would like to create a set of Terms and Conditions just for the Town that can be tweaked if necessary for a particular solicitation.

Mr. Saunders added that we will have smaller solicitations in the future where we will be spending the balance of our ARPA funds. He said it would be more efficient and a force multiplier to have Mrs. Simpson's assistance.

Councilman Carr asked if she would be full-time or as needed.

Mr. Saunders said it would likely all be remote contract work. He said she would be a contractual employee with no benefits. He said she would only be paid the hours that she's working on the Town's procurement work.

Councilman Bernacki asked if a formal RFP should be submitted for this position.

Mr. Taylor stated that a formal RFP is not necessary when hiring a contract employee.

Councilman Adams asked if there will be a line item in the budget to track how much is being paid for this independent contractor, or will it be recorded under the Salaries and Wages line item.

Mr. Saunders said her pay would not go under the Salaries and Wages line item, but a line item can be created in the budget.

Mr. Saunders explained that the same pot of money that would be paying for Town projects would likely pay for her services, as questioned by Councilman Dowdy.

Councilman Bernacki asked Mr. Taylor if he reviewed the contract, and is he satisfied with the language.

Mr. Taylor said he has reviewed the contract, and he is comfortable with the language. He noted that for any reason at all, Town Council is well within their rights to terminate the contract at any time.

After further discussion, Councilman Bernacki made a motion to approve the Independent Contractor Agreement between the Town of Windsor and Sonja Simpson with the condition that a specific line item will be created in the budget to document how much is paid for Mrs. Simpsons services. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4.

Declaration of Surplus Property – Resolution

Mr. Saunders reported that with the recent acquisition of replacement vehicles, several older vehicles can be removed from inventory.

Mr. Saunders stated that the following items have been examined and deemed to no longer be needed by the Town:

1. 2003 Volvo BL70 Backhoe VIN #0406
2. 2014 Dodge Charger Police Interceptor VIN #7953
3. 2017 Chevrolet Tahoe VIN #4563

Mr. Saunders said in this regard, I am enclosing a resolution for your consideration to declare the said items surplus and authorize the Town Manager to see to their disposal per the Town's Surplus Property Policy. Mr. Saunders said these items are to be offered for sale at public auction.

Mr. Saunders recommended adoption of the attached resolution entitled: A Resolution Declaring Certain Non-Fixed Assets Surplus And Approving The Disposal Of Said Assets.

Councilman Bernacki made a motion to adopt the resolution entitled: A Resolution Declaring Certain Non-Fixed Assets Surplus And Approving The Disposal Of Said Assets. Councilman Dowdy seconded, and Council Unanimously passed the motion as recorded on the attached chart as motion #5.

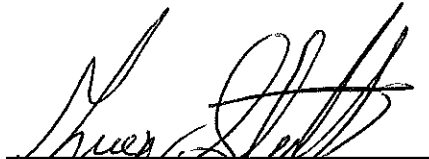
Closed Session

Councilman Bernacki made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711.A.1. Discussion or consideration of prospective candidates for employment, specifically in regard to the hiring of a Town Clerk. Councilman Adams seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #6.

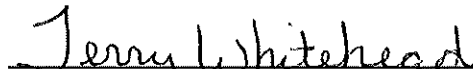
Councilman Adams made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D, that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #7.

Councilman Sharp made a motion to adjourn. Councilman Bernacki seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #8.

The meeting adjourned at 8:23 p.m.



George Stubbs, Mayor



Terry Whitehead, Town Clerk

TOWN OF WINDSOR
 RECORD OF
 COUNCIL VOTES

Council Meeting Date Nov. 14, 2023

Motion #	Dowdy	Sharp	Redd	Bernacki	Carr	Adams	Stubbs
1	Y	Y	Y	Y	Y	Y	
2	Y	Y	Y	Y	Y	Y	
3	Y	Y	Y	Y	Y	Y	
4	Y	Y	Y	Y	Y	Y	
5	Y	Y	Y	Y	Y	Y	
6	Y	Y	Y	Y	Y	Y	
7	Y	Y	Y	Y	Y	Y	
8	Y	Y	Y	Y	Y	Y	
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Jerry Whitehead, Clerk